

**REMARKS**

In the Office Action<sup>1</sup>, the Examiner rejected claims 1-68 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Application Publication No. 2002/0077082 to Cruickshank et al. ("*Cruikshank*") in view of U.S. Patent Application Publication No. 2002/0076027 to Bernnan et al. ("*Bernnan*").

By this Amendment, Applicants amend claims 1, 3, 5-7, 9-15, 17-19, 23, 24, 26, 28-30, 32-38, 40-42, 46-49, 51, 53-55, and 57-68.

**I. The Rejection of Claims 1-68 Under 35 U.S.C. § 103(a)**

Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1-68 under 35 U.S.C. § 103(a). A *prima facie* case of obviousness has not been established with respect to these claims.

Claim 1, for example, recites a method comprising *inter alia*: "sending a notification of a collaboration request to a device associated with the calling party based on the response" (emphasis added).

*Cruikshank* discloses handheld computing devices that connect to a voice messaging server via a wireless connection or via PSTN (*Cruikshank*, ¶ 15). The handheld computing devices can download voice messages from the voice messaging server, and display text messages associated with the voice messages (*Cruikshank*, ¶ 16). The text messages can include information such as the calling line ID of the

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<sup>1</sup> As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome this rejection, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to the rejection (e.g., whether a reference constitutes prior art, ability to combine references, assertions as to patentability of dependent claims) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

caller that left the message, the time of day the voice message was received, or business card information such as a vCard (*Cruikshank*, ¶¶ 19-20).

The Office Action relies on *Cruikshank*'s text information as allegedly corresponding to the claimed "collaboration request" (See Office Action at p. 2, citing *Cruikshank* ¶ 19). Applicants submit that the text fields described in *Cruikshank* do not amount to a "collaboration request" but are simply additional data transferred to *Cruikshank*'s handheld computing devices. Therefore, *Cruikshank*'s text information does not constitute a "collaboration request."

Moreover, claim 1 recites, *inter alia*, sending a "collaboration request to a device associated with the calling party" (emphasis added). At best, the voice messages disclosed in *Cruikshank* and any corresponding text data are sent to a device intended to receive a telephone call, and not to the party making the call. *Cruikshank* does not disclose or suggest sending any kind of collaboration request to the party who left the voice message. Therefore, *Cruikshank* does not teach or suggest "sending a notification of a collaboration request to a device associated with the calling party based on the response" as recited in claim 1 (emphasis added).

*Bernnan* discloses a method for establishing a message composing session for a calling party when the calling party cannot have a synchronous call to a called party (*Bernnan*, abstract). The message composing session uses information retrieved from a database to fill in certain parameters in a message, such as the called party's voice mail address, e-mail address, etc. (*Bernnan*, ¶ 42). Once the message is composed, the calling party sends the message to the called party (*Bernnan*, ¶ 47).

However, *Bernnan* also does not disclose or suggest that the message compose window is created or used to send messages to the calling party. Instead, *Bernnan*'s messages are sent from the called party. Therefore, even assuming *Bernnan*'s messages could be construed as a "collaboration request" (a position Applicants do not concede), *Bernnan* still fails to teach or suggest "sending a notification of a collaboration request to a device associated with the calling party based on the response" as recited in claim 1 (emphasis added).

Independent claim 1 also recites "the collaboration request being a request for a collaboration to share data interactively between the called party and the calling party" (emphasis added).

As discussed, *Cruikshank* discloses handheld computing devices can download voice messages from the voice messaging server, and display text messages associated with the voice messages (*Cruikshank*, ¶ 16). However, *Cruikshank*'s voice messages are not shared "interactively" between parties, but rather left by one party and subsequently retrieved using the handheld computing devices. Therefore, *Cruikshank* does not teach or suggest "the collaboration request being a request for a collaboration to share data interactively between the called party and the calling party" as recited in claim 1 (emphasis added).

As also discussed, *Bernnan* discloses a method for a calling party to send a message to a called party (*Bernnan*, ¶ 47). However, like *Cruikshank*'s voice messages, *Bernnan*'s messages are not shared "interactively" between the parties, but merely sent from the calling party to the called party. Therefore, *Bernnan* also does not teach or suggest "the collaboration request being a request for a collaboration to share

data interactively between the called party and the calling party” as recited in claim 1  
(emphasis added).

Independent claims 14, 24, 37, 47-49, and 62-68, though of different scope from claim 1, recite features similar to those set forth above with respect to claim 1. Claims 14, 24, 37, 47-49, and 62-68 are therefore allowable for reasons similar to those presented above with regard to claim 1.

Claims 2-13, 15-23, 25-36, 38-46, and 50-61 depend from one of the independent claims, and the dependent claims are therefore allowable at least due to their dependence from allowable base claims.


## **II. Conclusion**

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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